

Appl. No. 09/650,120
Remarks of 22 April 2005

Remarks

Claims 1 – 29 are currently pending in the application. The Examiner issued a Final Office Action on 24 November 2004, rejecting all pending claims.

The Examiner rejected claims 1– 3, 5, 8, 12, 15 – 17, 21, and 25 – 27 under 35 U.S.C. § 102(b) as being unpatentable over Cain (U.S. Patent No. 5,778,174) (hereinafter "Cain"). The Examiner rejected claims 4, 6, 9, 11, 13, 18, 20, 22, 24, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Cain in view of Kimchi et al. (U.S. Publication No. 2002/0120760) (hereinafter "Kimchi"). The Examiner rejected claims 7, 10, 14, 19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Cain in view of Putzolu, et al. (U.S. Patent No. 6,611,864) (hereinafter "Putzolu").

The Applicant traversed the rejections in the Response dated 18 June 2004. Subsequent to filing a Notice of Appeal on 24 February 2005, the Applicant conducted an interview with Examiner Sherkat on 14 April 2005. Examiner Sherkat indicated that Applicant's arguments had raised doubts about the cited prior art and that a new search needed to be done. The Examiner also indicated that she would withdraw the rejection if possible. The Examiner subsequently called and stated that she could not withdraw the rejection. Applicant then contacted Supervisory Examiner Sheikh on 19 April 2005. Supervisory Examiner Sheikh stated that Examiner Sherkat had second thoughts about the application but would like to perform another search and issue another office action if Applicant would agree to file an RCE. Applicant agreed to file an RCE provided that Examiner Sherkat would in fact perform an additional search and issue either an allowance or a non-final office action.

The Applicant also restates the traversal of the outstanding rejection for the convenience of the Examiner. Specifically, the Examiner rejected each of the pending independent claims, namely claims 1, 8, 12, 15, 16, 21, and 25 – 27, as being anticipated by Cain. Cain, however, is directed to a method and system for

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providing secured access to a server protected by a firewall router by establishing a bypass communication route around the firewall router. See Cain, Col. 2: lines 8-17; Abstract. The bypass route is illustrated in Figure 1 of Cain (along with the supporting description), which shows the bypass route established through network connections 28, 26, and 30 using the external machine 22 and the internal machine 24. As indicated in Figure 1 (and the supporting description), the bypass route disclosed by Cain clearly circumvents the firewall router 16 and clearly does not permit secure communications through the firewall router 16.

Unlike Cain, the present invention does not bypass a firewall router, but rather provides a method for remotely opening a "pinhole" which allows communications directly through the firewall router. The Applicant explained the concept of a firewall pinhole in the specification. For example, the Applicant stated:

Private networks are generally protected from intrusion from public networks such as the Internet by firewalls that only permit certain pre-approved packet streams through pinhole openings in the firewall. A pinhole opening in a firewall may also be referred to as a packet filter. Data packets are routed (or denied routing) based on, among other things, the source and destination address in the packet header including the port number. The packet filter works like a mask, allowing only data that meets specific criteria to pass. The specific criteria are a set of rules where each data packet is subjected to the set of rules. The firewall performs state-full inspection and subjects data packet content as well as data packet header information to the filtering rules that define the pinhole openings in the firewall.

Application pp. 1-2 (emphasis added). Pages 8-14 of the specification describe in detail how a pinhole is remotely opened and closed in a firewall router according to the present invention. Therefore, claim 1 provides:

A method of remotely controlling a firewall from a firewall controller in order to permit the flow of packet data through said firewall, the method comprising:

 sending a request message from a firewall controller to a firewall requesting that a pinhole be opened;
 opening a pinhole in said firewall;

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sending a request message from a firewall controller to said firewall requesting that a pinhole be closed; and closing said pinhole.

(emphasis added). Similar limitations can be found in each of the other independent claims.

After considering the statements above, it clear that the bypass method for secured access taught by Cain is completely different from the invention disclosed and claimed in the present application. Furthermore, the Applicant has not found any other disclosure in the art cited by the Examiner which would cure the deficiency of Cain.

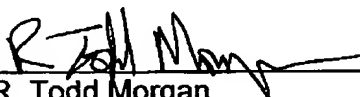
For these reasons, the Applicant respectfully requests that the Examiner withdraw the rejection of pending independent claims 1, 8, 12, 15, 16, 21, and 25 – 27. As each of these independent claims is allowable, the Applicant also requests that the Examiner withdraw the rejection of pending dependent claims 2-7, 9-11, 13, 14, 17-20, 22-24, 28 and 29, each of which depend, directly or indirectly, from an allowable independent claim. The Applicant also requests that the Examiner provide a notice of allowability for all currently pending claims 1-29.

The Applicant also wishes to point out that Kimchi cannot be relied upon as prior art unless U.S. Provisional Application 60/207,701, to Kimchi et al., filed on May 26, 2000, contains the specific disclosure relied upon by the Examiner in the cited Kimchi publication. If the Examiner does not agree with the Applicant's reasoning above and continues to maintain a rejection in view of Kimchi, the Applicant respectfully requests that the Examiner provide the Applicant with a copy of U.S. Provisional Application 60/207,701, to Kimchi et al., which would be the basis for the Examiner's rejection of claims 4, 6, 9, 11, 13, 18, 20, 22, 24, 28, and 29.

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The Examiner is invited to contact the undersigned at the below-listed number with any questions.

Respectfully submitted,



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